

REMARKS

In the September 27, 2005 Office Action, claims 1-11, 15-18 and 20 were rejected, and 12-14 and 19 were allowed. This Response amends claim 10 and cancels claims 15-18 and 20 without prejudice or disclaimer. After entry of the foregoing amendments, claims 1-14 and 19 (15 total claims; 3 independent claims) remain pending in the application. Reconsideration of the application is respectfully requested in view of the above amendments and the following remarks.

Drawings

A replacement drawing sheet including amended FIG. 1A is being filed herewith. Applicant requests entry of the replacement drawing sheet and the withdrawal of the associated drawing objection.

Specification

The Abstract has been amended to be less than 150 words, in compliance with MPEP §608.01(b).

The specification has also been amended to address the typographical errors pointed out by the Office Action.

Applicant requests the withdrawal of the objection to the disclosure in view of these amendments.

§112 Rejection

Claim 10 stands rejected under 35 U.S.C. §112. Applicant submits that claim 10 as originally written (with an inadvertent typographical error) was clear and particularly pointed out and distinctly claimed the subject matter of the invention. Original claim 10 was mistakenly recited as being dependent upon itself, however, the context of claim 10 makes it clear that claim 10 should have been dependent upon claim 9. Indeed, the Office Action recognizes this aspect by assuming that Applicant intended claim 10 to be dependent upon claim 9. Accordingly, Applicant believes that original claim 10 was objectionable, but that it should not have been rejected under §112. Nonetheless, claim 10 has been amended to correct its dependency and, therefore, Applicant requests the withdrawal of the §112 rejection of claim 10.

Art Based Rejections

Claims 15-17 and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Wham et al., USPN 4,648,345 (hereinafter Wham), and claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Wham. In the spirit of compact and speedy prosecution, Applicant has canceled claims 15-18 and 20, thus rendering these rejections moot.

Double Patenting

Claims 1-11 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Atmur, USPN 6,926,566 in view of Wham. Although Applicant does not completely agree with the reasoning behind the double patenting rejection, Applicant submits a terminal disclaimer herewith in an attempt to expedite prosecution and allowance of the application. In view of the terminal disclaimer, Applicant requests the withdrawal of the double patenting rejection of claims 1-11.

Allowable Claims

The Office Action indicated that claims 12-14 and 19 are allowable.

Conclusion

In conclusion, for the reasons given above, all claims now presently in the application are believed allowable and such allowance is respectfully requested. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the undersigned attorney at (480) 385-5060.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

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By:



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